

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 540 - SB 1159

March 3, 2017

SUMMARY OF BILL: Removes the injury requirement from child endangerment and broadens the offense to apply to parents of children 10 years of age or less, rather than eight years of age or less.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – \$52,200/Incarceration*

Assumptions:

- Tennessee Code Annotated § 39-15-401 prohibits child abuse, neglect, and endangerment. Child abuse and child neglect are each a class A misdemeanor unless committed against a child eight years of age or less, in which case child abuse is a class D felony and child neglect is a class E felony. Child endangerment is a class A misdemeanor and can only be committed against a child eight years of age or less.
- The proposed legislation broadens child endangerment.
- Statistics from the Administrative Office of the Courts (AOC) indicates that there has been an average of 58 class A misdemeanor convictions under Tenn. Code Ann. § 39-15-401.
- Further, these statistics represent convictions at the state court level. It is assumed that only 10 percent of misdemeanor convictions are at the state court level resulting in a total of 580 convictions (58×10) per year for violations of Tenn. Code Ann. § 39-15-401.
- These statistics are not capable of being divided between child abuse, neglect, and endangerment. It is assumed for purposes of this memo that one-third ($580 \times 0.33 = 191$) of the convictions represent child endangerment offenses and two-thirds represent child abuse and child neglect offenses.
- The proposed legislation will result in a 50 percent increase, or 96 additional ($191 \times 50.0\%$) child endangerment convictions each year, for a total of 287 convictions ($191 + 96$).
- It is assumed that 10 percent ($287 \times .10 = 29$ defendants) will serve some term of imprisonment for their offense. It is assumed that each defendant will serve 30 days.
- The estimated 2017 cost per inmate per day for local jails is \$60.00.
- The proposed legislation will result in a mandatory increase in local incarceration costs of \$52,200 ($29 \times 30 \times \60).

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm